

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING
DECEMBER 1, 2004**

Members present: Richard Harris, Chris Dorworth, Ben Tucker, Alan Peltz, Beth Hattaway, Walt Eismann, and Dudley Bates

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Jim Potter, Senior Engineer; Jeffrey Hopper, Senior Planner; Rebecca Hammock, Principal Planner; Kimberley Romano, Deputy County Attorney; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The meeting was called to order at 7:00 P.M. by the Chairman. Commissioner Harris introduced the members to the audience. Commissioner Dorworth was not present at this time.

Commissioner Eismann made a motion to accept the proof of publication.

**Commissioner Hattaway seconded the motion.
The motion passed 5 – 0.**

Commissioner Hattaway made a motion to accept the minutes as submitted.

Commissioner Bates seconded the motion.

The motion passed 5 - 0.

Before the regular agenda was started, an unscheduled technical review item was brought forward from the Development Review Division.

Unscheduled item:

Riverton Subdivision; Eric Wills, applicant; approximately 15.63 acres; Preliminary Subdivision Plan for 29 lots zoned R-1AAA (single family residential); located on the southeast corner of Wilson Road and Orange Boulevard, east of S. Sylvan Lake Drive and north of CR 46A.

Commissioner Carey – District 5
Rebecca Hammock, Principal Planner

Rebecca Hammock introduced the plan for 29 residential lots zoned R-1AAA. The typical house size will be over 1,600 square feet and the typical lot size will be over 13,500 square feet. The subdivision will have Seminole County water and sewer and have private internal roads maintained by the homeowners association. No waivers have been requested by the applicant. Staff

recommendation is for approval of the Preliminary Subdivision Plan for the Riverton subdivision.

Commissioner Tucker asked if there was internal sidewalk system that would hook up with the nearby Wilson Elementary School. It was not clear on the plan submitted to the commissioners.

Ms. Hammock stated that there was an internal sidewalk. This is a requirement of all subdivisions.

Steve Mellich stated that there is a bus drop off area and pedestrian access to the elementary school along the frontage.

Commissioner Bates made a motion to recommend approval.

Commissioner Peltz seconded the motion.

The motion passed unanimously.

Commissioner Harris next introduced the public hearing portion of the meeting with a review of how the items are handled, voting rules and public participation procedure.

Public Hearing Items:

A. Chase Groves Villas; Centex Homes / Tom Daly, applicant; approximately 5.4 acres; PUD Major Amendment / Large Scale Land Use Amendment from PD (Commercial) to PD (Residential) to permit townhouse development; located on the north side of Old Lake Mary Road between SR 417 and Casa Verde Boulevard. (Z2004-056 / 05S.FLU07)

Commissioner Carey – District 5
Jeff Hopper, Senior Planner

Mr. Hopper stated that staff had received a request for a continuance to the January 5, 2005 meeting.

Commissioner Bates made a motion to continue this item to the January 5, 2005 meeting.

Commissioner Eismann seconded.

The motion passed unanimously.

B. Red Bug Road / Cooper Townhomes; Jim Cooper, applicant; approximately 20 acres; Large Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential); and Rezone from A-1 (Agriculture District) to R-3A (Multiple-Family Dwelling District) for townhouses; located on the north side of East Red Bug Road, ¼ mile west of Alafaya Trail. (Z2004-050 / 05S.FLU01)

Commissioner Dallari - District 1
Jeffrey Hopper, Senior Planner

Mr. Hopper introduced the application for a rezoning from A-1 to R-3A and a Large Scale Land Use Amendment from Low Density to Medium Density Residential by Jim Cooper on approximately 20 acres located on the north side of East Red Bug Road, ¼ mile west of SR 434.

Mr. Hopper said that the applicant is proposing a 74-unit townhouse development on a currently unimproved section of East Red Bug Road. The units will be clustered in the southeastern portion of the site. Approximately 8.6 acres of the site are wetlands, which will be preserved in a conservation easement. Net buildable area is 9.7 acres for a net density of 7.7 units per acre. If the development is approved, the property will be subdivided, and the lots and townhome units will be sold fee simple. Visitor parking, which is sometimes an issue in townhouse developments, should be adequate for this project, with 79 off-street spaces proposed in addition to the 2 per unit required by Code. Staff recommends transmittal of the large scale land use amendment and approval of the requested rezone subject to the conditions listed in the development order and your staff report. These conditions include the following: a) Building heights limited to 35 feet; b) Front setbacks shall be 20 feet from sidewalks; c) Developer shall provide a sidewalk along E. Red Bug Road connecting the site with SR 434; and d) Garages shall not be converted to living space.

Commissioner Hattaway asked about staff recommendation number 15. She asked if this would be established in the open space recreation area.

Mr. Hopper said that no such RV parking was planned for the project.

Jim Cooper stated that he concurred with the staff recommendation and that no recreational vehicle parking lot was planned for this project.

Dr. Fred Brough of 454 Moffat Loop asked for clarification of the location of the site. He had not been able to identify it from the location on the map he received as a public notice. His property abuts the county road. He had been told that a wall was going to be going in along the road. He is concerned about noise abatement.

Mrs. Elise Brough stated that she wanted a wall along the road that abuts Dunhill subdivision so that the children from the new subdivision do not cut through the Dunhill properties and use the Dunhill facilities.

Jim Cooper stated that he had developed Dunhill for the DL Mason Company in the 1980's. It is Mr. Cooper's recollection that when Phase II of Dunhill was developed, a wall was to be put in by that developer. There is a large buffer there now. He does not believe a wall is necessary and does not want to build a wall.

Commissioner Peltz made a motion to recommend approval of the request for a Large Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential); and Rezone from A-1 (Agriculture District) to R-3A (Multiple-Family Dwelling District).

Commissioner Dorworth seconded the motion.

There was no discussion.

The motion passed unanimously.

C. An Ordinance Amending the Land Development Code of Seminole County Sections 2.3, 30.102, 30.122, 30.162, 30.182, 30.202, 30.222, 30.1371; creating definitions; clarifying Permitted Uses in A-1, A-3, A-5, A-10, RC-1, R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-1B, R-1BB, and R-2 Zoning categories; creating boat dock and boathouse regulations; providing for severability; providing for codification; and providing for an effective date.

Countywide
Matt West, Planning Manager

Mr. West stated that this ordinance was initiated at the request of the Board of County Commissioners and the Board of Adjustment. It came after a situation arose on a lot zoned A-5 (Agriculture) was purchased on Lake Mills. The property owner wished to put a dock in prior to the building of the house on the lot. The Land Development Code states that the principal structure must be built first, before the accessory structure. Mr. West was directed to draft an ordinance which allows placement of a dock in certain zoning categories prior to the building of the house. A discussion has developed concerning the allowable elevation of a boathouse. Currently it is 10 feet above the mean high water line. This becomes a general policy question. Ten feet is not a lot if you want to lift your boat out of the water and have equipment. On dry land the maximum building height is 35 feet. Having researched the height issue, it was determined that the limitation was to keep the height from being excessive: 2 or 3 stories, thus blocking the view of neighbors. The current ten feet maximum may be too low. Perhaps the building height could be changed. Lake height varies with weather conditions.

Commissioner Bates asked if Mr. West had recommendations.

Mr. West said that perhaps the boathouse could be limited to one story, which would disallow the building of a "monster structure" which could be an obstruction to neighbors. The boat house is basically to house and protect the boat and equipment. Another thing is that the standard code requires that enclosed boat houses shall be approved by the Board of County Commissioners.

Commissioner Peltz asked for a refinement of the recommendations. Was the 10 foot height still good?

Mr. West said that the structures could be limited to one story, with the building height being an average, with the pitched roof, as on dry land figured into the equation from the peak and the eave.

Mr. Eismann said that ten feet is not enough. If you have a pontoon boat, ten feet would not be enough. At least fifteen feet clearance is needed. With a winch, perhaps 20 feet is needed. The structure could be limited to one story, not to exceed 20 feet.

Mr. Tucker asked if there was a primary structure on a lake now, and the owner came in for permit for a boathouse, what is the allowed height currently?

Mr. West stated that in the R-1, R-1A and other residential categories, if the boathouse were to be enclosed, it would go to the Board of County Commissioners. If it exceeded 10 feet in height, it would go to the Board of Adjustment for a variance.

Commissioner Tucker stated that having the Board of Adjustment handle the variances on boathouses, the public input allows the neighbors to have a forum on what was allowable.

Mr. West stated that it could be difficult to define what a story is comprised of. Height limitation could lead to someone using, for example, a 35 foot limitation, to put in a dwelling unit on the boathouse.

Commissioner Harris asked when this issue came up most recently.

Mr. West said it was not common, and that the last time a case came to the Board of Adjustment was perhaps 3 years ago.

Commissioner Harris agreed with Commissioner Eismann that 10 feet was not enough, but perhaps an average using the peak and an equation is good, but on the other hand, 15 feet with the variation in lake height may be better depending where you set the floor. If the roofline is defined at the average between the peak

and the eve, that is what should be done here as well. Whatever is done, it must be defined consistently.

Commissioner Tucker said that if 15 feet is used, with the variation in lake height, a 19 foot structure could go in without consideration of a neighbor. If the peak is put in at 15 feet by code, taking away the input of the neighbors at a hearing, it is not good.

Commissioner Harris said that we should be consistent. 10 feet will not work with most of today's boats. If the boathouse were not enclosed, perhaps you could go with a flat roof to limit height.

Commissioner Tucker said that where the average is 10, the peak would be higher.

Commissioner Eismann asked how much higher than 10 feet the peak could be with the 10 foot height limitation.

Commissioner Hattaway wondered if a pontoon boat could fit in such a structure.

Commissioner Tucker pointed out that the purpose of this ordinance is to allow the accessory structure to go in before the principal structure. Height is a side issue. Height should be consistent with the Board of Adjustment standards.

Commissioners Dorworth and Hattaway agreed with Commissioner Tucker.

Commissioner Harris stated that 15 feet was not unreasonable, because it limits you to one story.

Commissioner Tucker said that the height could be an issue with neighbors.

Commissioner Tucker made a motion to recommend approval of the ordinance with the height issue being worded consistently with the definition of building heights in other parts of the code.

The motion died for lack of a second.

Commissioner Eismann pointed out that this was a public hearing and that there had not been public input.

Robin Davis said that ski boat towers were 9.5 feet from top to keel. He asked for a minimum height of 15 feet.

Commissioner Hattaway agreed. She asked why PUD (Planned Unit Development) zoning was not included in the allowable zoning list.

Mr. West said that such inclusions were negotiated in the forming of the PUD. Sometimes docks are not allowed, as with Banana Lake.

Commissioner Eismann made a motion to recommend approval of the ordinance with the amendment of height limitation to be an average of 15 feet above the mean high water line.

Commissioner Bates seconded the motion.

The motion passed with a vote of 6 to 1. Commissioner Tucker voted "no."

Planning Manager's Report:

Matt West reported that as of 5 P.M. today there had been no ruling on the Winter Springs litigation concerning the Charter Amendment.

There will be a joint work session between the Board of County Commissioners and the Seminole County School Board on December 13. Topics for discussion include the issues of overcrowded schools and the conversion of non-residential uses to residential uses.

The January 5, 2005 LPA/P&Z meeting is anticipated to be a long one with a full agenda which includes several large scale land use amendments.

There being no further business, the meeting adjourned at 7:45 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Senior Staff Assistant